IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 1826 OF 2006
IN
CIVIL APPLICATION NO. 5005 OF 2006
IN
FIRST APPEAL NO. 1938 OF 2006

M/s. PRIYANKA ENTERPRISES & ANR.. APPLICANTS

Versus

THE STATE OF MAHARASHTRA & ORS. RESPONDENTS

Mr. G.S. Godbole for the applicants

Mr. K.K. Tated, AGP

CORAM:-SMT. RANJANA DESAI &

SMT. V.K. TAHILRAMANI, JJ.

DATED:-19/8/2006

P.C.

. We have heard Mr. Godbole, learned counsel for the applicants and Mr. Tated, learned AGP.

3. Mr. Tated has made a statement that the entire decretal amount is deposited in the trial court as directed by this court. There is some dispute as to whether the amount as ordered by this court by its order dated 5/12/05 is deposited by the applicants or not. By our order passed on Civil Application No. 5005 of 2005 the executing court

has been directed to find out as to whether any deficit amount is due from the respondents. Mr. Godbole prays that in the meantime the applicants or their assignees be permitted to withdraw the deposited amount. The prayer deserves to be granted on the condition that the applicants or their assignees furnish the necessary bank guarantee. Hence the following order:

a) The applicants and/or their assignees are permitted to withdraw the entire amount deposited by the respondents in the trial court on the condition that for the said amount the applicants and/or their assignees furnish bank guarantee of a nationalised bank to the satisfaction of the trial court;

b) In case the respondents are required to pay any additional amount in the trial court, the applicants are permitted to give additional bank guarantee of any nationalised bank to the satisfaction of the trial court for the said amount and withdraw the same.

c) Civil application is disposed of.

(SMT. RANJANA DESAI,J.)

(SMT.) V.K. TAHILRAMANI, J.)